IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App.No. 929 of 2000(B)

APPELLANT/ 2ND RESPONDENT IN LAR 126/88:

THE SECRETARY, THRISSUR MUNICIPALITY,
THRISSUR.

BY ADV. SRI.K.P.VIJAYAN
SRI.V.B.JINNAH
SMT.P.F.ROSY
SMT.C.B.SUMA DEVI
SRI.SURESH SAMUEL
SRI.V.M.SYAM KUMAR

RESPONDENTS/ CLAIMANTS/1ST RESPONDENT IN LAR 126/88:
----

1. **MARY ANTONY, W/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

2. **JOHNY, S/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

3. **KURIAN, S/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

4. **FRANCIS, S/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

5. **APREM, S/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

6. **ANITHA, D/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.**

7. JERRY, D/O. DR. ANTONY, CHAZHUR CHANDY HOUSE, EAST FORT, THRISSUR - 5.

8. THE SPL. TAHSILDAR (LA), THRISSUR MUNICIPALITY, THRISSUR

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 929 OF 2000

&

C.M.P. NO. 4270 OF 2000

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M.P. No. 4270/2000

This is a petition to condone the delay of 54 days in filing the appeal. On merits it is seen that the appeal is filed against the judgment and decree in L.A.R. No. 126/1988 on the file of the Sub Court, Thrissur. It is a common judgment in two cases, L.A.R. Nos. 88/1988 and 126/1988.

2. The appeal filed against L.A.R. No. 88/1988 has already been dismissed as per judgment in L.A.A. No. 920/2000. That apart it is seen that the land value fixed is only at the rate of Rs. 16,000/- per cent. Acquisition is for the purpose of formation of road connecting Sakthan Thampuran Nagar to East Fort - Block No. V. The notification was published in 1981 and the award was passed in 1986.

3. The claimants had a claim for Rs. 62,500/- per Are. There cannot be any dispute that the property is situated at the centre of the town and there are several institutions around the acquired property. In L.A.R. No. 24/1988, the reference court fixed the land value at the rate of Rs. 20,000/- per cent, originally. The acquired land had road frontage. Taking into account all these aspects, the land value was fixed by the reference court at Rs. 16,000/- per cent.

In view of the finality attained to the connected case also, as per judgment in L.A.A. No. 920/2000, we find no merit in the appeal. For all the above reasons, the application for condonation of delay and the appeal are dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 929 OF 2000
&
C.M.P. NO. 4270 OF 2000

J U D G M E N T

24.10.2007